

70A-9a-516. What constitutes filing -- Effectiveness of filing.

(1) Except as otherwise provided in Subsection (2) or (4), communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(2) Filing does not occur with respect to a record that a filing office refuses to accept because:

(a) the record is not communicated by a method or medium of communication authorized by the filing office;

(b) an amount equal to or greater than the applicable filing fee is not tendered;

(c) the filing office is unable to index the record because:

(i) in the case of an initial financing statement, the record does not provide a name for the debtor;

(ii) in the case of an amendment or information statement, the record:

(A) does not identify the initial financing statement as required by Section 70A-9a-512 or 70A-9a-518, as applicable; or

(B) identifies an initial financing statement whose effectiveness has lapsed under Section 70A-9a-515;

(iii) in the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's surname; or

(iv) in the case of a record filed or recorded in the filing office described in Subsection 70A-9a-501(1)(a), the record does not provide a sufficient description of the real property to which it relates;

(d) in the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(e) in the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(i) provide a mailing address for the debtor; or

(ii) indicate whether the name provided as the name of the debtor is the name of an individual or an organization;

(f) in the case of an assignment reflected in an initial financing statement under Subsection 70A-9a-514(1) or an amendment filed under Subsection 70A-9a-514(2), the record does not provide a name and mailing address for the assignee; or

(g) in the case of a continuation statement, the record is not filed within the six-month period prescribed by Subsection 70A-9a-515(4).

(3) For purposes of Subsection (2):

(a) a record does not provide information if the filing office is unable to read or decipher the information; and

(b) a record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by Section 70A-9a-512, 70A-9a-514, or 70A-9a-518, is an initial financing statement.

(4) A filing office may refuse to accept a record for filing, and if it does so, filing does not occur with respect to the record, because:

- (a) the debtor is an individual and the debtor's name contains unusually placed and apparently unnecessary punctuation, symbols, or other nonalphabetic characters;
 - (b) the record, in the collateral description or elsewhere, including an attachment, discloses personally identifying information such as a Social Security number, driver license number, identification card number, bank account number, credit or debit card account number, date of birth, or place of birth; or
 - (c) the debtor is an individual and the record indicates that the debtor is a transmitting utility.
- (5) A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in Subsection (2) or (4), is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

Amended by Chapter 225, 2013 General Session